

Transcript of  
**IDAPA 44- OFFICE OF ADMINISTRATIVE RULES**

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IDAPA 44 - OFFICE OF ADMINISTRATIVE RULES. 44.01.02 -  
RULES GOVERNING RULE WRITING IN IDAHO

DOCKET NO. 25/0101.1201

PUBLIC HEARING

TRANSCRIPT OF THE INPUT SECTION OF THE MEETING  
HAD ON THE 3RD DAY OF APRIL, 2013, AT 7:19 PM

BOISE, IDAHO  
RED LION HOTEL

Tiffany Z. Fisher, RPR, CSR# 979

## P R O C E E D I N G S

(Dick Gardner, Ph.D. welcomed everyone to the hearing and presented an overview of the issue and a review of proposed rules.)

MR. GARDNER: So, with that, we would open it up to public testimony. And right now I've got four names, and perhaps someone else has signed up. But let's just take them in order, I'm thinking, in general, in terms of three to five minutes. And then if board members should have questions, we would invite them.

So, Paul Waldon is first up.

The first two speakers were both members of the committee.

MR. WALDON: Just because we got here first --

MR. GARDNER: That's your distinction today.

MR. WALDON: -- on the sign-up board.

Mr. Chairman, board, this is my third time speaking in front of this body, opposing each time, which I did through the whole advisory process. And there's a couple of new little twists, turns in the road that have come up since

1 then.

2           Probably the biggest one that strikes me  
3 at this point is that an agency, historically and  
4 traditionally, does not enter into negotiating  
5 rulemaking unless a suit has been filed. And that  
6 has been part of this process. It has been a large  
7 part of this process in that the board feels a  
8 certain insecurity about their vulnerability to a  
9 lawsuit because of the temporary status of the  
10 moratorium.

11           There hasn't been a lawsuit filed.  
12 Agencies don't commence doing negotiated rulemaking  
13 until a suit is filed. We've spent an awful lot of  
14 time, energy, money, I think, frivolously because,  
15 to date, you're in uncharted water. This agency  
16 is in uncharted water. There has not been a suit  
17 filed. And we're in the process -- we're in the  
18 middle of the process of negotiating rulemaking.  
19 Point No. 1.

20           Point No. 2, I've made several other  
21 times, is that throughout the entire advisory group  
22 process, the deal-breaker for the sportsmen, the  
23 turkey hunters, the waterfowl, both, was that the  
24 leasing concept could not be included in this  
25 process. Deaf ears. This body didn't hear what we

1 said, didn't hear our most fundamental, primary  
2 point of contention, didn't hear it.

3 If leasing is a part of this issue and a  
4 part of the package going down the road, everything  
5 is off the table. We said it multiple times. It  
6 fell on deaf ears. Horribly disappointing and  
7 wrong.

8 The turkey population in the state,  
9 there has been no discussion about this. This  
10 whole process is going forth as though there's an  
11 increasing and a flourishing population of turkeys  
12 in the state. That's not the case. The only  
13 case -- the only region in the state where you  
14 could really say that is potentially Region No. 1.

15 Region No. 2 is stable, at best. It's  
16 down in the last six to eight years from where it  
17 peaked. Don't know where it's going from here.

18 Region No. 3, the population is down.  
19 Don't know why, but it's down. And that could be  
20 substantiated by the Department. That's not  
21 conjecture. That's fact. So the population of  
22 birds in the state is stable, at best, overall.  
23 Stable.

24 There has been discussion about the  
25 resource and whether the resource would sustain

1 additional pressure. It can't, at present. The  
2 whole thing is going to boil down to access. If  
3 the leasing component is involved in this, people  
4 that have hunted with a handshake for a long time  
5 in Region Nos. 1, 2, and 3, wherever, they're going  
6 to be booted. They're going to be left. I can't  
7 compete with an outfitter.

8 And last but not least, I've got to say  
9 it again, this whole process is an incredible  
10 disappointment. It's a horrible waste of time.  
11 It's flirting with capricious. It's unfounded.  
12 There's no demand. There's no demonstrated need.

13 And the best solution is to simply make  
14 the moratorium permanent and quit flirting around  
15 with: What if somebody sues us? Nobody has.

16 Let's do it. Let's make the moratorium  
17 permanent. Let's appease thousands of people at  
18 the expense of a half a dozen people or whatever,  
19 that we don't know, that wish to pursue waterfowl  
20 and turkey outfitting. Thanks.

21 MR. GARDNER: Thank you, Mr. Waldon.

22 I would ask that -- does the chairman or  
23 any of the board members want to ask any questions  
24 in response?

25 Okay. I do want to acknowledge that we

1 do have Jeff Knetter and Lance Hepton here from the  
2 Idaho Department of Fish and Game.

3 And, certainly, gentlemen, if you care  
4 to say anything during the process or comment on  
5 any particular issues of fact or the resource, just  
6 give me the nod and I'd be happy to let you do  
7 that.

8 Okay. Bryce Cook, you are up next.

9 MR. COOK: Thank you.

10 I spoke to you guys three times, as  
11 well, I believe, maybe more at the meetings down at  
12 your office. I have Jeff actually looking at some  
13 data right now. I'm looking at the user days that  
14 you're proposing for waterfowl here. You're  
15 talking about duck hunter days. Here, in Option C,  
16 you say, "duck or goose."

17 But I look at the days, the five-year  
18 average you show here is like 100k that you're  
19 using for this. When I look at the historical data  
20 from Jeff, the five-year average is 280,000. When  
21 Jeff was checking the data, it looks like there's  
22 an incorrect error in the numbers.

23 So we take those numbers, and now we're  
24 talking like three times as much as you have here.  
25 With three times as much, especially in regions

1 like the southwest Idaho area, when you're barring  
2 all of that area in yellow, that's where most of  
3 the hunters are. So why have a percentage of the  
4 hunters that are in that area into the remaining  
5 areas? Why extend that percent?

6 You have the data from Jeff before,  
7 about how much waterfowl habitat there is in those  
8 regions. Overlay that with this map, take an  
9 overall average of how much of the waterfowl  
10 habitat is gone with this and multiply that times  
11 the user days, because user days are going to go  
12 down significantly. You're really just putting a  
13 lot more outfitter days on regions, smaller areas  
14 that are not really used to taking that type of  
15 number of hunters.

16 I submitted a question on your forum, as  
17 well. And Wayne was not quite sure and able to  
18 give me an answer.

19 But the biggest fear we have in any of  
20 this is a legislative action or change by the  
21 legislature. So if some landowner or outfitter in  
22 Canyon County comes back and is pissed off at this  
23 proposal and they call Christie Perry up and she  
24 says, "All right. We'll approve this, if we line  
25 up Canyon County," can that happen?

1 I haven't heard an answer whether or not  
2 that can happen. I'm pretty sure it can. They can  
3 sit down, the legislative committee, and they can  
4 start line-iteming them out on this, which we're  
5 afraid of that, by far. We're afraid that this  
6 proposal is written such that your board doesn't  
7 have the resources to enforce it in the field. And  
8 we think the legislators are going to recognize  
9 that, and they're going to lay line items out.

10 And you've got it so set up to try and  
11 meet a few people that are requesting this, it's  
12 not worth it. It's not worth the hassle. The  
13 board can't afford it. Nobody of the sportsmen  
14 want it. You have numerous pages on your website  
15 against this.

16 Paul's organization, my organization,  
17 Pheasants Forever, we're at ISCAC. ISCAC has got a  
18 paper against this. We will be at the legislature  
19 fighting this, if it ends up there. The sportsmen  
20 of Idaho do not want it.

21 There has been stuff that we've argued  
22 about that continues to show up in these options --  
23 which is leasing was a deal-breaker, by far. It  
24 continues to show up. Public land was a  
25 deal-breaker, by far. It continues to show up.

1           There was two biologists that spoke to  
2     you in the Nampa hearing. I think they spoke to  
3     just a subset of the board about duck farms and  
4     people changing habitat to pull ducks from their  
5     natural area. We know this happens already.

6           Nothing is in this proposal to fix that.  
7     We have discussed it at length. I know Wayne and I  
8     have discussed this at a previous hearing.

9           You know, I'm not here just because I  
10    waterfowl hunt. I'm here because I want my kids to  
11    waterfowl hunt. I want my kids to hunt without  
12    having to go to an outfitter, without having to try  
13    and spend \$250 a day to duck hunt. It's a sport  
14    for our youth, and it's going to drive our youth  
15    out, the more we commercialize this, especially in  
16    an area like Idaho where we just don't have the  
17    waterfowl habitat.

18           Thank you.

19           MR. GARDNER: Thank you, Bryce.

20           Comments? Questions?

21           Okay. Todd Fenzl.

22           MR. FENZL: Good evening.

23           This is a bit of background. I have a  
24    degree in wildlife management. I have 34 years of  
25    hands-on experience managing migratory birds and

1 waterfowl on five national wildlife refuges  
2 throughout the United States, ending my career at  
3 Deer Flat Refuge where I spent over 20 years. So I  
4 pretty much know a lot about management for ducks.

5 I'm encouraging you to just make the  
6 moratorium permanent. I see no value in this. I  
7 appreciate all of the maps you guys put together.  
8 And I said that in the last meeting, and they  
9 highlight one thing. The maps cover just about all  
10 of the natural habitat for ducks, the wet areas.

11 So this says to me that anyone who is  
12 going to outfit is going to have to set the table.  
13 It's going to have create wetlands. It's going to  
14 have to plant crops, manipulate crops. There are  
15 legal ways to do it.

16 But he is going to attract ducks and  
17 geese away from the public areas by creating ideal  
18 conditions for those birds. That is going to hurt  
19 the average waterfowl hunter in the state of Idaho.  
20 And that's a very important point.

21 Idaho is not on the main flyway. We're  
22 not California. We're not the Midwest. This is  
23 kind of a little edge up here. The ducks filter  
24 down both sides of the Rockies, and some of them  
25 come to Idaho. So we don't have a huge resource.

1           A lot of people will look at geese that  
2           are standing around the parks all winter in Boise  
3           and say we've got a bunch of geese. Well, those  
4           don't leave. The wild birds that are out on the  
5           Snake River, they're getting the heck wrecked out  
6           of them while the other ones are sitting here in  
7           Boise.

8           So we do have a limited number of birds  
9           to shoot at. But I just don't want to see these  
10          new areas created that are going to pull those  
11          birds away from the public. So I encourage you,  
12          again, to make the moratorium permanent. Thank  
13          you.

14          MR. GARDNER: Thank you.

15          Questions? Comments? Okay.

16          Cory Hamrick. Did I get your name  
17          right?

18          MR. HAMRICK: I haven't been but to a couple  
19          of meetings. Paul knows me. I am a gentlemen who  
20          does own a hunting club in this state, and I do  
21          understand the waterfowl hunting process, as much  
22          as these guys are talking about, Bryce has talked  
23          about, he has talked about. And these guys aren't  
24          wrong. They've got a lot of stuff that's right.

25          And the reality is: Where are all of

1 the birds? Does anybody know where all of the  
2 ducks are? Do they know how much pressure this  
3 state can take? Does anybody pay attention to  
4 that? Does anybody have that knowledge?

5 Who has the board talked to that is an  
6 expert with what's going on with the hunting areas  
7 and the areas you've proposed closed versus -- I  
8 mean, who -- that's my question: Who are the  
9 experts?

10 Because these guys are right, no one  
11 wants the waterfowl guide thing to take place. But  
12 then you've got all of these -- I mean, has anybody  
13 compared Washington or Oregon and looked at their  
14 guiding rules and their situation or the  
15 surrounding areas that function, and do they have  
16 these kind of situations going on?

17 Do you know how hard it's going to be to  
18 keep track of that and how hard it's going to be to  
19 enforce it? Virtually impossible. I guarantee you  
20 the Fish and Game Department, which I have actually  
21 heard from a few of the enforcement officers, are  
22 scared to death of it. I mean, that's complicated,  
23 guys. That's the truth, it's complicated.

24 You know, I know for a fact these guys  
25 are talking about the private landowners taking and

1 developing ground and taking birds away from public  
2 habitat. I mean, everybody in this room knows who  
3 Greg Obendorf is, do they not?

4 Even if they don't know and we're making  
5 all of these rules, you better start knowing who he  
6 is and how many birds he kills. Because this state  
7 cannot take the pressure.

8 I've talked to other experts in the  
9 field that -- some Washington guides that have been  
10 in the industry, and everybody talks about what the  
11 pressure will do. It will have an impact.  
12 Personal hunting experience can tell you that it  
13 will have an impact.

14 The goose hunting at Lake Lowell is  
15 different today than it was five or six years ago.  
16 Why is that? Because there are more hunters over  
17 there. There's more pressure over there.

18 The birds aren't there. Why are they in  
19 town now? Does anybody know why they're in town  
20 now? It's pretty obvious. They don't get hunted  
21 in town.

22 What are the duck numbers? He knows.  
23 Why are the goose and duck numbers so far down at  
24 Lake Lowell? Why are they? There's reasons,  
25 multiple, multiple reasons why.

1 But if you guys wanted to, if you think  
2 you have to do this, why are we not talking to the  
3 experts? We don't we go research the experts and  
4 find out really what can sustain what. Can a  
5 number of outfitters function in this state and  
6 where?

7 These guys are right, the areas you've  
8 got closed off are mostly only areas where there  
9 are birds.

10 MR. LONG: That's closed off from an  
11 outfitting standpoint, not from the public.

12 MR. HAMRICK: That's right.

13 MR. LONG: So if you're still talking  
14 about --

15 MR. HAMRICK: So what I'm saying is, if you  
16 want the outfitter, you've got to propose to get  
17 licenses. You want licenses for outfitting; right?  
18 I mean, that's what you want. You want licensed  
19 outfitters.

20 How are they going to make a living when  
21 the only place there is birds you guys have got it  
22 closed off? That's what I'm saying. It just  
23 doesn't feel like any of the research has been done  
24 properly.

25 And, you know, maybe we are -- maybe

1 everybody in here is wasting all of their time.  
2 Maybe because it is all closed off, you can put up  
3 all of the licensing you want, but it's closed. So  
4 what's the difference?

5 MR. LONG: There's two things that occur to  
6 me in the comments I've heard so far, that nobody  
7 is addressing the number. And that's what you're  
8 saying; right? You're talking about 3 percent open  
9 to outfitter --

10 MR. HAMRICK: 3 percent of what?

11 MR. LONG: 3 percent of the data.

12 MR. HAMRICK: But their data is different  
13 than your data; right?

14 MR. GARDNER: No. It's from Fish & Game.  
15 It's 3 percent of waterfowl/duck hunting days,  
16 based on the five-year moving average.

17 MR. KORELL: That's what would be open to  
18 the outfitting opportunities.

19 MR. LONG: So we are talking about the  
20 relative number. We are talking about research and  
21 data. And we are talking about no-shoot zones for  
22 outfitters that doesn't cross over to the public.

23 So I'm just not --

24 MR. HAMRICK: I guess what I'm saying is it  
25 just doesn't feel like -- I mean, if you're wanting

1 -- are you wanting to pass this temporary  
2 moratorium for what reason? Because what Paul  
3 said; is that correct?

4 MR. LONG: So --

5 MR. HAMRICK: I'm asking the question.

6 MR. LONG: So let me -- at the risk of  
7 digressing back, there is a reason the board itself  
8 doesn't come up with: Let's, today, decide to take  
9 on a controversial issue. There's pressure on both  
10 sides. There's pressure on -- greater than us,  
11 saying that there's a need to analyze this data.

12 So the contention that we have to have a  
13 lawsuit and we're afraid of lawsuits doesn't  
14 address the normal flow of public opinion that is  
15 converse to yours. So there is another public  
16 opinion here.

17 So to assume that we are taking the  
18 stance because of either fear of litigation, or  
19 because we have an agenda of our own, is incorrect.  
20 We have an agenda to respond to the public interest  
21 and safety and welfare. And that's what we do.

22 MR. WALDON: Can you quantify that?

23 MR. LONG: Can we qualify that?

24 MR. WALDON: Can you quantify that?

25 MR. LONG: In what sense?

1 MR. WALDON: How many have interest in  
2 outfitting in waterfowl and turkeys?

3 MR. LONG: As many as are represented here.

4 MR. WALDON: Well, that's ambiguous.

5 MR. LONG: Well, so is the question. I  
6 can't quantify something --

7 MR. WALDON: We can quantify numbers of  
8 people that are opposed to this whole process.

9 MR. LONG: My point isn't adversarial. My  
10 point is two-fold. One is that this doesn't come  
11 out of the sky. This is not because we have  
12 nothing else to do.

13 Clearly, it doesn't take a form of  
14 litigation to get there. And, secondarily, we are  
15 talking about a limited number of access. The  
16 no-shoot zones are not restricted to the public,  
17 only to the proposed outfitting, which is, in fact,  
18 3 percent of whatever data that Fish and Game is  
19 presenting that we're using. That's my point.

20 So when you say that there's no data  
21 interest or we haven't done any research, it's  
22 clearly not the case. And we do represent you, as  
23 the public. And we do represent outfitting. And  
24 we do represent the public safety. And that's why  
25 we have an agenda here to listen to opinions, yours

1 and everybody else's, as well.

2 So I guess that's my question back to  
3 you, you know. I haven't heard the 3 percent. We  
4 are talking about a very limited number of access  
5 for outfitting.

6 MR. HAMRICK: So I understand it, so  
7 3 percent means that one outfitter can take out --  
8 let's just say, looking over there, they can take  
9 -- he can take out 138 man days?

10 MR. LONG: If you look at the data --

11 MR. HAMRICK: I'm just trying to understand.  
12 That's why I'm asking the question.

13 MR. LONG: He can take 20 percent of  
14 3 percent, 20 percent of the 3 percent.

15 MR. GARDNER: So this is the 3 percent of  
16 any region. So, for Region No. 3, that's 3 percent  
17 is 1,310 hunter days.

18 MR. HAMRICK: So if you're an outfitter and  
19 you took out three people, is it the actual hunt  
20 date or the actual amount of hunters?

21 MR. LONG: Each person represents --

22 MR. GARDNER: That's 300 days.

23 MR. LONG: -- in one day, three hunter days  
24 in one day.

25 MR. HAMRICK: So the 3 percent of the 1,310,

1 300 is to be used up?

2 MR. LONG: If you took three hunters, yep.

3 So there is a perspective here. That's  
4 my point. And I'm the float-boat guy, so I have  
5 the least vested interest, in terms of personal  
6 gain or involvement, right, because I'm an  
7 outfitter and do day trips on the Payette River.

8 But I do object to being characterized  
9 as doing this with a specific agenda. Because I  
10 have sat through all of the meetings, and I'm  
11 telling you that 3 percent is 3 percent. There is  
12 a compromise here. And I don't think -- you know,  
13 our agenda is not necessarily driven by not  
14 representing other sides of the story.

15 So, I mean, I don't know. I don't know  
16 how that resonates with you. But they are talking  
17 about a very limited number of access for  
18 outfitting because there's pressure to do that for  
19 people who can't do it on their own. I think you  
20 forget that.

21 MR. WALDON: How many? How many?

22 MR. KORELL: A lot.

23 MR. LONG: How many is relative to demand.

24 MR. HUNSUCKER: I'm going to interrupt this,  
25 if you don't mind, Dick. I'll answer the question

1 real quick.

2 And it cannot be quantified because,  
3 primarily, we have turned away applications  
4 constantly over the last 18 years. We have not  
5 accepted an application, so we cannot quantify how  
6 many we think we're going to get, period. So  
7 that's the answer.

8 MR. WALDON: The opposing forces can  
9 quantify how many people are opposed to it. You  
10 can quantify how many people you feel are  
11 legitimately interested in waterfowl and turkey  
12 outfitting.

13 Wayne, that is a bogus, milk-toast  
14 answer. You can do it. And we've been asking, and  
15 nobody will tell us anything.

16 MR. GARDNER: I do -- I would point out that  
17 it's important to remember that it's a three-way  
18 balancing act, and you also have many thousands of  
19 landowners who may or may not have an interest.  
20 And we've done the survey and all of that.

21 Okay. This is the end of the people  
22 that have signed up to make comments. But I wanted  
23 to put it out there, is there anyone else here  
24 would like to make comments? I would offer that  
25 up, provided you give me your information after.

1 MR. COOK: Can I just make one point, two  
2 points, really quickly?

3 MR. GARDNER: Well, let's first -- let me  
4 first see, is there anyone else who wants to?

5 All right, then.

6 MR. COOK: I would point out and ask Jeff,  
7 if you can clarify the days? Because I'm looking  
8 at the data from the advisory group. And the days,  
9 the overall duck hunter user days was 110,000. And  
10 goose hunter days, it was 180,000.

11 So the number we were using before, for  
12 statewide, was about 300,000. So it would have  
13 been about three times as high as was shown here.

14 MR. GARDNER: And I know we asked -- we got  
15 two more years of data since we did the committee.  
16 So you saw that this --

17 MR. KNETTER: The best I can do, I'm working  
18 on it, because I can't access my files, is that we  
19 stopped doing a survey of waterfowl hunting in  
20 Idaho in 2009. That was the last year that we did  
21 that. And the reason we did that was because the  
22 U.S. Fish and Wildlife Service collects data on  
23 waterfowl hunters and --

24 MR. GARDNER: Can you talk into the mic so  
25 she can get your --

1 MR. KNETTER: So Bryce's question is in  
2 regards to the spreadsheet that we're looking at.  
3 And he's looking at the public duck hunter days by  
4 region from his estimate. And so that's the  
5 clarifier there.

6 MR. HAMRICK: Because it says duck or goose  
7 in the off season?

8 MR. GARDNER: It says the larger of duck or  
9 goose. And when we looked at the data, ducks were  
10 larger in all cases. That's why it says, "duck  
11 hunting" there.

12 MR. KNETTER: That was the case. And these  
13 are considerably loaded on the estimates that we  
14 have for the state of Idaho.

15 And the reason for that -- and sorry I  
16 didn't catch this earlier. This is from his  
17 estimate. So what we had to do was take a  
18 percentage of hunters that we had represented in  
19 each region from our surveys, prior to 2009 and  
20 prior to that, and apply that to the average -- or  
21 to the estimates that we had from the harvest  
22 information program by the Fish and Wildlife  
23 Service.

24 And that's why you'll see, for example,  
25 in 2007, the total number of hunter days is about

1 92,000 when you add up that column. But when you  
2 look at Idaho, Idaho surveys, we were looking at  
3 203,000 days. So the data that they're using here  
4 is actually half of what the state itself  
5 estimated.

6 MR. COOK: So, I just want to clarify, what  
7 data is a going to be used if this option goes  
8 through?

9 MR. GARDNER: It's the data that the Fish  
10 and Game Department provides to the board. This is  
11 the data that has been provided, and they have  
12 taken a conservative approach, I guess, it sounds  
13 like.

14 MR. KNETTER: Well, we haven't taken a  
15 conservative approach. What we've done is used the  
16 best available that we have. We no longer are  
17 collecting this data. And the reason we're not  
18 collecting it is because we get an estimate from  
19 the Fish and Wildlife Service every year.

20 But they don't do it on a per-county or  
21 per-region level. We get a statewide estimate. So  
22 I have to use my estimates, that's my regional  
23 estimates from previous to 2009, and apply that to  
24 those -- to that data that I get. And that's why  
25 it's considerably lower.

1 MR. COOK: This number is the number that  
2 can be used?

3 MR. GARDNER: Well, this data that has been  
4 provided is the data that would apply under this  
5 regulation.

6 MR. KNETTER: And we clarified that when we  
7 submitted it.

8 MR. HOWARD: I remember getting the  
9 information from you and using it. I wasn't aware  
10 that there's a different set of information out  
11 there that's higher.

12 MR. KNETTER: That's because we don't have  
13 data for 2010 or 2011.

14 MR. HOWARD: This is based on the  
15 information that you gave me.

16 MR. KNETTER: Yep. And that's how we got  
17 it.

18 MR. HOWARD: The conversation was several  
19 months ago. So, frankly, I don't remember the  
20 conversation. I do remember getting the  
21 information.

22 MR. KNETTER: It took me a little bit of  
23 time to remember, as well.

24 MR. HOWARD: No, I understand completely.

25 MR. GARDNER: Thank you, Jeff.

1 MR. COOK: I just have one other point that,  
2 even in your letter -- I just want to address the  
3 speech you gave us.

4 In your letter, you keep talking about  
5 the moratorium may not withstand a legal challenge,  
6 and that's concerning. In the advisory group, we  
7 heard that numerous times from both Wayne and Jake  
8 that they're afraid of getting sued over this deal.

9 So it's different to hear another board  
10 member say it's not because we're going to get  
11 sued. So I know we've heard this numerous times.

12 MR. LONG: I don't, as a board member, have  
13 any recollection that that is a big motivator to  
14 move off of the moratorium.

15 MR. WALDON: It has been it.

16 MR. LONG: Demand.

17 MR. WALDON: It has been it.

18 MR. LONG: Demand.

19 So I can only tell you my experience.  
20 I'm a board member. I don't sit in the office  
21 every day. I'm an outfitter. Yes, there is a  
22 legal consideration, but there is demand off the  
23 moratorium. There is demand to have the  
24 opportunity because the public also wants that  
25 opportunity through outfitting.

1                   And 3 percent is a number relative to  
2 whatever the final data is. It's still 3 percent.  
3 So 3 percent is 3 percent.

4           MR. COOK: How many applications have been  
5 turned down in 18 years?

6           MR. HOWARD: I don't have the number with  
7 me. I have no idea.

8           MR. KORELL: Well, something I want to  
9 mention, you know, I'm an outfitter here locally.  
10 And I hunt -- I can't say so much for waterfowl  
11 hunting, but for turkey hunting.

12                   You know, I have probably 140,000 acres  
13 of ground that I hunt that's private. It's in  
14 Horseshoe Bend. It's all turkey country. There's  
15 not any of those ranches that are open to the  
16 public, and they never have been.

17                   And all it takes is one of those guys to  
18 throw a fit because he can't go turkey hunting, or  
19 let an outfitter turkey hunt there, to go to the  
20 legislature over a private property right. And if  
21 that goes to the legislature over a private  
22 property right, the sportsmen will lose with no  
23 limitations.

24           MR. WALDON: Not so.

25           MR. KORELL: Private property is a big deal.

1 MR. WALDON: The Superior Court found that,  
2 "A license is a mere privilege. It does not create  
3 a vested property right."

4 MR. KORELL: I'm talking about a lease. A  
5 private property owner can lease anything he wants.  
6 There's nobody that can tell him he can't do that  
7 unless it goes to the legislature.

8 That's a problem that we face. It's  
9 going to take the one guy. And, right now, the  
10 guys I know, they're pushing that right to the  
11 envelope right now. They're sitting and waiting to  
12 see if this goes through. And if it doesn't go  
13 their way, they're going to go.

14 I haven't put in for a license for  
15 turkey hunting, and I've been an outfitter  
16 19 years. The reason I haven't applied for a  
17 turkey hunting license is because you can't count  
18 if you're going to get turned away.

19 I've never even applied for them because  
20 there has been this moratorium. So there's  
21 probably 50 guys like me in the state that haven't  
22 applied because they have known, all along, they  
23 couldn't get it all along.

24 So you can't count how many applications  
25 have been turned away or who is interested.

1 Because I'm always interested, but I just haven't  
2 applied until we get this thing straightened out.

3 MR. COOK: On your own private, deeded land?

4 MR. KORELL: No leased ground. It's all  
5 deeded ground. I'm already licensed for everything  
6 else. I'm not licensed for turkeys.

7 But it's always -- I probably have 50  
8 guys a year that want to go on a turkey hunt. I  
9 say, "I can't take you." But nobody else is  
10 hunting it either, so...

11 MR. GARDNER: Okay. Paul?

12 MR. WALDON: I have a question. I have a  
13 copy of the Idaho Code, the outfitters and guides  
14 outfitter code from -- actually, from '86.

15 And paragraph No. 48 says, "Upland game  
16 bird hunting and waterfowl hunting are not  
17 licensable activities for outfitting and/or  
18 guiding. However, chukkar hunting, partridge,  
19 forest grouse hunting may be licensed in connection  
20 with another outfitter activity."

21 Did that change?

22 MR. GARDNER: Jake?

23 MR. HOWARD: I don't have any idea what he's  
24 talking about.

25 MR. WALDON: It's right here. That's yours.

1 It's hard to read. I've got glasses.

2 MR. HOWARD: This is 1986, so I don't have  
3 any idea.

4 MR. WALDON: When was that amended? I guess  
5 that is my question.

6 MR. HOWARD: I don't know. This is a rule,  
7 I believe.

8 I don't know. I don't know what that  
9 is. I know it's a code. But I don't know --

10 MR. WALDON: You don't know if it has been  
11 amended?

12 MR. HOWARD: Well, obviously, it has been  
13 amended. I don't know when it was amended.

14 MR. WALDON: I'm confused.

15 MR. GARDNER: Okay. Well, the purpose here  
16 this evening is to take public testimony, and we  
17 have done that.

18 If there are no other people who want to  
19 speak, I would suggest that we wrap this up. And  
20 then you will have an opportunity to look at the  
21 maps and chat with board members individually, off  
22 the record.

23 (The proceedings concluded at 7:52 p.m.)

24 --o0o--  
25

## REPORTER'S CERTIFICATE

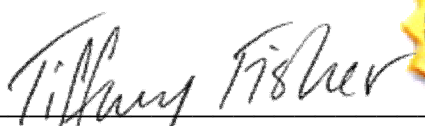
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I, TIFFANY FISHER, Certified Shorthand Reporter and Notary Public in and for the State of Idaho, do hereby certify:

That said public hearing was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and that the foregoing transcript contains a full, true and verbatim record of said public hearing.

I further certify that I have no interest in the event of this action.

WITNESS my hand and seal this 10th day of April, 2013.

  
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